

New Atty. Dkt. No. 034536-0219
Old Atty. Dkt. No. 038602-1259

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Axel ULLRICH et al.
Title: NOVEL MEGAKARYOCYTIC PROTEIN TYROSINE KINASE 1
Appl. No.: 09/977,261
Filing Date: 10/16/2001
Examiner: Jegatheesan Seharaseyon
Art Unit: 1647
Allowed: 05/28/2004

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER CFR §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request reconsideration of the patent term adjustment included with the Notice of Allowance mailed May 28, 2004.

The above-identified application was filed on October 16, 2001. The United States Patent Office has an obligation to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), in accordance with CFR § 1.702. The Patent Office failed to act in a timely fashion on the application, as a Restriction Requirement was not mailed to the Applicants until June 18, 2003. Therefore, patent term adjustment is needed for the time period between December 16, 2002, 14 months from application filing date, and June 18, 2003, the mailing date of the non-final Office Action, a total of 184 (one hundred eighty four) days.

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The Patent Office's records reflect a delay on the Applicants' part of 152 days in responding to the Notice to File Missing Parts mailed on November 7, 2001. This calculation is incorrect as the Applicants filed a response to the Notice to File Missing Parts on June 7, 2001, an Applicants' delay of 120 (one hundred twenty) days.

It is respectfully requested that a patent term adjustment of 4 (four) days be issued in favor of the Applicants.

A check for the amount of \$200 is enclosed herewith. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

12 August 2004

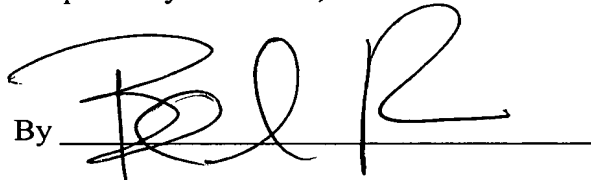
FOLEY & LARDNER LLP

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By



Beth A. Burrous

Attorney for Applicant

Registration No. 35,087



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Art Unit: 1647

ISSUE FEE TRANSMITTAL

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith please find the following:

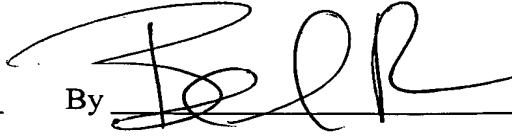
- PTOL-85(B) (in duplicate) (1 page)
- Supplemental Application Data Sheet (3 pages)
- Request for Reconsideration of Patent Term Adjustment (2 pages)
- Check No. 37700 in the amount of \$200.00
- Check No. 37699 in the amount of \$1630.00

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12 August 2004

By

A handwritten signature in black ink, appearing to read 'B. Burrous', written over a horizontal line.

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Beth A. Burrous
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